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13 *Attorneys for Defendant B+S Card Service GmbH*

14
UNITED STATES DISTRICT COURT
 15
DISTRICT OF NEVADA

16 STELLIA LIMITED, a Maltese limited
 17 liability company; and STELLIA, LTD., a
 18 Nevada limited liability company,

19 Plaintiffs,

20 vs.

21 B+S CARD SERVICE GmbH, a German
 limited liability company,

22 Defendant.

Case No. 2:12-CV-1099-GMN-PAL

23
**UNOPPOSED MOTION FOR EXTENSION
 OF TIME TO FILE REPLY BRIEF IN
 SUPPORT OF MOTION TO DISMISS
 THE COMPLAINT**

24 Defendant, B+S Card Service GmbH, by and through its counsel of record, the law firms
 25 of Snell & Wilmer L.L.P. and Hogan Lovells US LLP, hereby move **unopposed** for an extension
 26 of time to file its Reply papers in further support of its Motion to Dismiss the Complaint.
 27 Expedited treatment is requested because the current deadline for Defendant to file its Reply
 28

1 papers is January 31, 2013. Without expedited treatment, the period may run before this
 2 Unopposed Motion is adjudicated.

3 This Motion is based upon the following Memorandum of Points and Authorities, the
 4 attached Declaration of D. Neal Tomlinson, Esq., the papers and pleadings on file, and any oral
 5 argument that the Court may allow.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 Plaintiffs' counsel has expressly confirmed that they do not oppose Defendant's request
 8 for a modest extension of time in which to file its Reply in support of its Motion to Dismiss. *See*
 9 Declaration of D. Neal Tomlinson ("Tomlinson Decl."), attached as Exhibit 1. Defendant
 10 requests an additional nineteen days, making the Reply due on February 19, 2013.

11 In addition to Plaintiffs' agreement not to contest Defendant's request, there is good cause
 12 for allowing Defendant this additional time. The Motion and Response raise complex legal issues,
 13 including questions of personal jurisdiction over a German corporation under the nationwide
 14 "long arm" provision of Fed. R. Civ. P. 4(k)(2), *forum non conveniens* and interpretation of the
 15 Lanham Act, including the extent to which that statute has extraterritorial application. Moreover,
 16 Plaintiffs filed four separate declarations in opposition to Defendant's Motion to Dismiss
 17 (including an expert declaration on German law) and 13 exhibits. It will require some time to
 18 fully evaluate and respond to these papers. Finally, as Defendant's Motion explains at length,
 19 Defendant is a German entity with no presence in the United States. This makes it more
 20 complicated to prepare reply papers and confer with the Defendant about them, thus requiring
 21 more time than in the usual case.

22 Rule 6 of the Federal Rules of Civil Procedure generally allows for the extension of time
 23 for a procedural deadline based on good cause. Local Rules 6-1 and 6-2 address the specific
 24 requirements for extension of time, including the extension of time to file a reply in support of a
 25 motion. Rule 6-2 specifically contemplates the submission of an unopposed motion to extend
 26 time such as the one submitted by Defendant herein. Based on the Court's broad discretion to
 27 grant Defendant's unopposed Motion and the good cause outlined above, Defendant's request for
 28 extension of nineteen days to Reply in support of its motion to dismiss should be granted.

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1 It is further requested that the Court adjudicate Defendant's Motion on an expedited basis
2 since the current deadline to reply is January 31, 2013, and will pass without expedited treatment.

3 Based upon the foregoing, the Defendant, B+S Card Service GmbH, respectfully requests
4 that the Court grants its Motion for Extension of Time to File Reply Brief in Support of Motion to
5 Dismiss the Complaint on an expedited basis, giving Defendant up to and including February 19,
6 2013 to file its Reply papers.

7 DATED: January 24, 2013.

8 SNELL & WILMER L.L.P.
9

10 /s/ D. Neal Tomlinson

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21
22 IT IS SO ORDERED this 25th day of January, 2013.



23
24
25 Gloria M. Navarro
26 United States District Judge
27
28